IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 22460 of 2004

Between:

P. Prasad, S/o Koteshwar Rao, Assistant Executive Engineer,
Mandal Parishad, Repalle Mandal, Guntur District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, rep. by its Principal Secretary,
Panchayat Raj & Rural Development Department, A.P. Secretariat,
Hyderabad.
2 The Engineer-in-Chief, Panchayat Raj, Erramanzil,Hyderabad.
3 The Superintending Engineer, P.R. Guntur Circle, Guntur, Guntur District.
4 The Executive Engineer, P.R. Division, Tenali, Guntur District - 522 201.
5 The Deputy Executive Engineer, Panchayat Raj Sub Division, Repalle,
Guntur District - 522 265.
6 The Mandal Parishad Development Officer, Mandal Parishad, Repalle

Mandal, Guntur District - 522 265.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Certiorari, declaring the order of the Hon'ble Tribunal passed in O.A.No. 6422/2004 dated 26-11-2004 as illegal and arbitrary and quash or set aside the same and consequently set aside the impugned order passed by the 2nd respondent bearing Memo No. S.O.III(1)/23758/04 dated 29-10-2004 and the consequential order in Rc.No. 2168/2004-A1 dated 23-11-2004 issued by the 4th respondent as illegal, arbitrary

and contrary to the guidelines issued by the Government and further direct the respondents to retain and continue the Petitioner at Repalle, Repalle Mandal,Guntur District with all consequential benefits thereon, and to pass such other order or orders.

Counsel for the Petitioner: MR.R.V.MALLIKARJUNA RAO

Counsel for the Respondents: GP FOR SERVICES II

The Court at the admission stage made the following:

ORAL ORDER: (per GB.J.)

The Writ Petition is filed assailing the order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.6422 of 2004, dated 26.11.2004.

2. The matter relates to transfer of petitioner from Repalle to Inkollu. Initially the petitioner was transferred from Repalle to Inkollu on 16.8.2004. Challenging the said transfer order, the petitioner filed OA.No.4766 of 2004. The Tribunal disposed of the said OA on 19.8.2004 directing the petitioner to file a representation before the Government. The Government, after having considered the matter, rejected the representation and consequently he was again transferred from Repalle to Inkollu on 23.11.2004. The said order came to be challenged before the Tribunal in the present OA. The learned Tribunal after considering the matter on merits dismissed the OA. Against the said dismissal of the OA., the present Writ Petition has been filed.

3. The learned counsel for the petitioner submits that the order of transfer is illegal and contrary to law. He further submits that the Government without properly considering the matter, took a decision basing on the decision given in similarly situate cases and therefore the matter requires reconsideration.

4. We have also heard the learned Government Pleader for Services-II.

5. We are afraid we cannot accept the contentions raised by the learned counsel for the petitioner. The transfer is an incident of service. Unless the transfer is challenged on the ground of *mala fides* or total lack of jurisdiction, normally this Court will be loath in interfering with the same. Thus, we do not find any ground to admit the Writ Petition.

6. Accordingly the Writ Petition is dismissed at the admission stage. No costs.

(G.BIKSHAPATHY, J.)

17th December, 2004.

(P.S.NARAYANA, J.)

SSR

To

1 Principal Secretary, Government of Andhra Pradesh,
Panchayat Raj & Rural Development Department, A.P. Secretariat,
Hyderabad.
2 The Engineer-in-Chief, Panchayat Raj, Erramanzil,Hyderabad.
3 The Superintending Engineer, P.R. Guntur Circle, Guntur, Guntur District.
4 The Executive Engineer, P.R. Division, Tenali, Guntur District - 522 201.
5 The Deputy Executive Engineer, Panchayat Raj Sub Division, Repalle,
Guntur District - 522 265.
6 The Mandal Parishad Development Officer, Mandal Parishad, Repalle

Mandal, Guntur District - 522 265.

7 The Registrar, A.P. Administrative Tribunal, Hyderabad.

8 2CCs to G.P. for Services-II, High Court of A.P. Hyderabad. (OUT)

9 2CD copies.